



### REMARKS

Claims 1-38 and 40-60 are presented for examination upon entry of the present amendment. Claims 1, 23, and 43 are independent. Claim 39 has been cancelled without prejudice, claims 55-60 are newly added.

#### Interview of December 5, 2008

Applicants wish to thank Examiners Wang and Ho ("the Examiners") for the many courtesies extended in scheduling and conducting the interview of December 5.

The Examiners agreed that the proposed claim 1 discussed in the interview of December 5 overcomes the prior art on record. Applicants submitted that claim 1 as filed in the response of July 8, 2008 to the office action of January 28, 2008, overcomes the prior art as well. The examiners disagreed.

#### Claim Rejections, 35 U.S.C. § 103

The Office Action rejects claims 1 and 23 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,507,278 to Brunetti et al. ("Brunetti") in view of U.S. Patent No. 6,757,408 to Houvener ("Houvener") and further in view of U.S. Patent Application Publication No. 2002/0167403 by Colmenarez ("Colmenarez"). Applicants are respectfully traversing this rejection.

Present claim 1 provides first and second stations for capturing substantially the full audio, video, and data of first and a second agent-traveler interactions along a path of a traveler, wherein the stations are located at different locations. Present claim 1 further provides an analysis device for comparing the audio, video, and data of the first and second agent-traveler interactions in order to determine, based upon a predetermined rule, a discrepancy.

Brunetti provides an ingress/egress control system, while Houvener provides for identity verification. Colmenarez, however, relates to monitoring a person entering and leaving a fitting room.



The Office Action states that Brunetti and Houvener do not teach a station for capturing audio, video and data, and an analysis component for capturing interactions, and cites Colmenarez to cure such deficiency.

Colmenarez, however, relates to monitoring a person entering and leaving a fitting room. Colmenarez does not teach capturing interactions, and it is non-obvious and even counter intuitive to use Colmenarez for curing deficiencies in an interaction-related environment, since a person using a fitting room is not likely to be cooperative in interacting with another person such as an agent, but is more likely to prefer some privacy.

Further, none of the references teaches capturing substantially the full first and second interactions. Houvener teaches wherein the agent speaks to a voice identification system and then the system captures pictures of the traveler's face, which is far from capturing the whole interaction. Brunetti refers to capturing people entering and exiting an area, which is not related to interactions with agents. Brunetti even teaches away from such interactions, *see, e.g.*, col. 10 lines 38-40: "...passenger movement through lane Lx is monitored at all times and is done so without a guard being present to monitor the exit lane".

Thus, each of Brunetti and Houvener teach capturing a certain aspect (such as an image, audio, or video) or certain parts (only traveler's face, only still images), rather than full interactions.

The Office Action acknowledges that the combination of Brunetti and Houvener does not teach a station for capturing audio, video, and data, and an analysis device for comparing the at least one second interaction with the at least one first interaction. In constructing the § 103 rejection, the Office Action cites Colmenarez for the proposition that Colmenarez cures this acknowledged deficiency of Brunetti and Houvener.

Colmenarez is inoperative to perfect the Office Action's 103 rejection. First, Colmenarez at most discloses mere monitoring of a person entering or exiting a fitting room, and does ~~does~~ not teach capturing interactions. Second, Applicants submit further that Colmenarez does not teach an

analysis device for comparing interactions one to the next (there being no teaching of interactions in the first instance).

Finally, the Office Action impermissibly relies on Colmenarez as a basis for the § 103 rejection.

In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). *See also In re Deminski*, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986); *In re Clay*, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992) ("A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem."); *Wang Laboratories Inc. v. Toshiba Corp.*, 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993) (emphasis supplied).

In *In re Oetiker* the court observed that Applicant claimed an improvement in a hose clamp which differed from the prior art in the presence of a preassembly "hook" which maintained the preassembly condition of the clamp and disengaged automatically when the clamp was tightened. The Board relied upon a reference which disclosed a hook and eye fastener for use in garments, reasoning that all hooking problems are analogous. The court, rejecting the Board's reasoning, held the reference was not within the field of applicant's endeavor, and was not reasonably pertinent to the particular problem with which the inventor was concerned because it had not been shown that a person of ordinary skill, seeking to solve a problem of fastening a hose clamp, would reasonably be expected or motivated to look to fasteners for garments.

In the instant application, independent claim 1 recites first and second stations for capturing an interaction between two people (to wit, an agent and a traveler). Colmenarez is directed to

monitoring customers as they enter and exit a fitting room, for the purpose of detecting theft, and the like.

A central theme in Colmenarez is to equip a fitting room area with an unobtrusive monitoring system that does *not* rely on the presence of a human agent - clearly the presence of human agents in a fitting room area would cause customers to be ill at ease, and would be a poor solution. Applicants respectfully submit that the agentless fitting room monitoring of Colmenarez does not logically commend itself to an inventor's attention in considering the problem of monitoring the interactions of agents and travelers.

Applicants further submit that a person of ordinary skill in the art of monitoring agent-traveler interactions would simply not reasonably be expected or motivated to look to a reference that teaches monitoring in an environment where an agent's presence is contraindicated.

Accordingly, Applicants submit that there is no motivation to combine Colmenarez with one or both of Brunetti and Houvener in the manner suggested by the Office Action.

Further, none of the cited references teach capturing the full audio, video and data of the interactions. Waters, which is aimed at a situation awareness system, from an image-processing point of view, does not mention interaction between any two people, much less an agent and a traveler. Houvener, as discussed above, also does not teach capturing the full interactions.

Therefore the elements of claim 1 relating to stations for capturing substantially the full interactions, or comparing them, are not taught by Brunetti, Houvener and Colmenarez, or by Waters, Houvener and Colmenarez, either singly or in the cited combinations. Applicants respectfully request reconsideration and withdrawal of the § 103 rejection of claim 1, and the passage of claim 1 to allowance.

The same arguments are valid also in relation to independent claim 23 and to independent claim 43. Therefore applicants respectfully request reconsideration and withdrawal of the § 103 rejections of claims 23 and 43, and the passage of claims 23 and 43 to allowance.

Claims 2-38, 40-42, and 44-54 depend from claim 1 or claim 23. By virtue at least of such dependence, Applicants submit that claims 2-38, 40-54 are patentable over the cited references either singly or in the cited combination. Applicants respectfully request reconsideration and withdrawal of the § 103 rejection of claims 2-38, 40-54, and the passage of claims 2-38, 40-42, and 44-54 to allowance.

Further, elements in some of the dependent claims are not taught by the prior art references. For example:

Regarding claims 10 and 19, requiring capturing devices for audio, video and data , Waters does not teach capturing voice: Col 3 lines 48-50: "A synthesizer 250 converts the fully attributed data objects 241 to annotated graphic elements 251 and alerts 252". Further, element 240 of Waters is a data analyzer and not a data capture device.

Regarding claim 20 requiring a quality assurance device using an at least one evaluation form of the apparatus, Houvener mentions performing quality assurance for the agents, but only through play back of the interactions, and not through a dedicated system employing forms.

Regarding claims 46 and 54 requiring wherein the capture device is a screen capture device: a screen capture device is not a screening device for luggage. A screen capture device is described in ¶0036: "Data from computer screens may be captured in response to screen events as further described in the related patent applications listed above. Capturing data from computer screens is accomplished by the capturing module accessing the memory device of the computer screen and retrieving the computer screen information. Capturing computer screens can be accomplished by the NICE Universe product produced by Nice Systems Ltd. of Ra'anana, Israel. The agent's software (such as a CRM like software) will likely include fields in which the agent will insert his comments as to the traveler or fulfill important data about the traveler, such as language skills, general behavior

and so forth. In addition, capturing device 226 may collect answers to various security-related questions." A screen capture device is thus not taught by Waters, or indeed by another cited prior art document.

New claims 55-60 have been added to point out various aspects of the present application. It is believed that new claims 55-60 are in condition for allowance for at least the reason of their dependence from base claims that are allowable as described above. In addition, claims 55 and 58 require wherein the rule relates to assessing a change in an item associated with the traveler, claims 56 and 59 require wherein the rule relates to a disparity between an item carried by the traveler, and the traveler's destination, and claims 57 and 60 require wherein the rule assesses a change in said traveler's appearance.

If for any reason the Examiner feels that consultation with Applicants/Applicant's attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,

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Date

  
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